

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRED DANIEL REEVES, JR.,

Plaintiff,

v.

B. HURSH, SGT. COSTELLO, JOHN DOE(s) 1-5,
CATHY WILLIAMS, RUO WERTANEN,
LT. JOHN DOE, and SGT. JOHN DOE,

Defendants.

CASE NO. 2:06-cv-14104

HONORABLE GERALD E. ROSEN

MAGISTRATE JUDGE STEVEN PEPE

2006 OCT -5 PM



ORDER OF TRANSFER

Plaintiff Fred Daniel Reeves, Jr., has filed a *pro se* civil rights complaint for money damages under 42 U.S.C. § 1983. Plaintiff is a state prisoner at Baraga Maximum Correctional Facility in Baraga, Michigan. Defendants are employed by the Michigan Department of Corrections at either the Baraga Facility or at the Alger Maximum Correctional Facility in Munising, Michigan.

A threshold question is whether venue is proper in this district. The proper venue in civil actions in which jurisdiction is not founded on diversity of citizenship is the judicial district where (1) any defendant resides if all defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b). Public officials "reside" in the county where they serve. *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

This cause of action arose in the Alger and Baraga Correctional Facilities where Plaintiff was or is confined and where the defendants are employed. Baraga, Michigan is located in Baraga County, and Munising, Michigan is located in Alger County. Both counties lie in the Northern Division of the Western District of Michigan. *See* 28 U.S.C. § 102(b)(2). Accordingly, the Clerk of Court is **ORDERED** to transfer this case to the Clerk of Court in the Western District of Michigan pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).

R. Steven Whalen

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: 10 / 4 / 06